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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ONE (1) 2008 Toyota Tundra, (VIN #)
5TFDV58108X050994), Real Property and)
Improvements located at APN # 012-690-)
48, Leggett, CA; Real Property and)
Improvements located at APN # 012-690-)
50, Leggett, CA; Real Property and)
Improvements located at APN # 012-670-)
48, Leggett, CA; Real Property and)
Improvements located at APN # 012-670-)
49, Leggett, CA,)
)
Defendants.)

No. CV 12-01439- MMC

STIPULATION AND ~~PROPOSED~~
ORDER TO VACATE TRIAL DATE AND
STAY PROCEEDINGS

MATTHEW GRAVES AND
UMPQUA BANK,
Claimants.

Plaintiff, the United States of America, by and through MELINDA HAAG, United States Attorney, and ARVON J. PERTEET, Assistant United States Attorney, and Claimant MATTHEW GRAVES by and through his attorney DAVID M. MICHAEL, ESQ., and CLAIMANT UMPQUA BANK by and through their attorney, PAUL J. DUTRA, ESQ., hereby acknowledge an ongoing civil forfeiture matter, and stipulate to the following:

On July 10, 2012, the Court set a trial date in this matter for February 11, 2013 (See *Doc. # 20*). Additionally, the Court referred the matter to Magistrate Beeler for settlement. The settlement conference is scheduled for Jan 14, 2013. This matter is related to case 3:09-cv-02277-MMC, which was also set for trial at the same time. The parties in the related matter have reached a stipulated settlement.

Due to fact that the parties in the related matter have reached a stipulated settlement, and the fact that there is an ongoing federal investigation of MATTHEW GRAVES, that is directly related to this matter, the parties are seeking to vacate the trial date currently set for February 11, 2013, and all deadlines associated with that trial setting, and to reset all discovery deadlines, dispositive motion dates, and settlement conference referral until after a case management conference in February 2013.

The parties seek this stay pursuant to 18 U.S.C. §§ 981(g)(1) and (2). Both the Government and claimant, Matthew Graves, stipulate and agree that taking discovery at this time would adversely impact the Government's criminal investigation and would burden the right of Matthew Graves against self-incrimination in the related federal criminal investigation.

IT IS SO STIPULATED:

Respectfully submitted,

MELINDA HAAG
United States Attorney

Dated: November 8, 2012

S/ARVON J. PERTEET
ARVON J. PERTEET
Assistant United States Attorney

Dated: November 8, 2012

S/ DAVID M. MICHAEL
DAVID M. MICHAEL
Attorney for Claimant
MATTHEW GRAVES

Dated: November 8, 2012

S/ PAUL J. DUTRA
PAUL J. DUTRA
Attorney for Claimant
UMPQUA BANK

ORDER

IT IS SO ORDERED on this 9th day of November, 2012, pursuant to the foregoing stipulation, that this civil forfeiture trial date of February 11, 201³~~2~~, be vacated and all associated deadlines be terminated and to reset all discovery deadlines, dispositive motion dates, and settlement conference referral until after a case management conference in February 15, 2013.

IT IS FURTHER ORDERED that discovery in this matter be stayed for 90 days pursuant to 18 U.S.C. §§ 981(g)(1) and (2).


HONORABLE MAXINE M. CHESNEY
United States District Court Judge